C. F. 71 & 72—658,414—21-11-29

C.F. 71 & 72.

B — 19 32.

Department of A.R. & S.C.

OFFICE B. C. Pattn

STATION Bangalore

No. 3777

Dated 21-12-32

B5330

Date Initial

To whom sent

Given for copying

Copied

Examined

Signed

Given for despatch

Despatched

Indexed

Pages in the file

To be destroyed on*

(SUBJECT.)

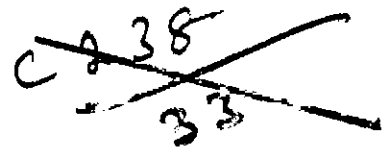
Assignment - Land (South Kanara)

Kanchal Taluk - S No. 90/8 - Pekki

Annappa Shyamkaya - Grdrs

Passed

* Not to be filled in in the case of permanent records.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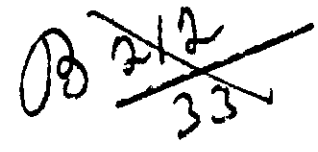
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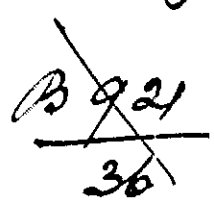
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B 53330

To

BOARD OF REVENUE
MADRAS
24 SEP 1932
LAND REVENUE & SETTLEMENT

The Honourable

The Commissioner of Land Revenue,

Board of Revenue, M a d r a s.

Humble revision petition of Manjappa Adyanthaya, Nephew of Nitteguttu Bermu Adyanthaya, Nitte Village, Karkal Taluk: Dated 13- 9- 1932.

Petitioner being highly aggrieved by the order of the Collector of South Kanara L.Dis.C.No.8179-32 dated 7-9-1932 declining to revise the order previously passed in respect of plot S.No.90/8 of Karkal Village, begs to prefer this revision petition against the said order.

2. Petitioner's case is briefly this:---

Petitioner is in the exclusive possession and enjoyment of the lands comprising S.No.90/3,7,8 by right of purchase as appertaining to warg No.25 of --- Karkal Village. Petitioner for the first time last year learnt that S.No.90/8 had been registered as poramboke rock at settlement and immediately then advanced his -- warg claim to the Collector praying that in the circumstances stated in the said claim petition, the plot in question might be included in his patta. In reference to that petition the enquiry elicited that the well-grounded claim put forward was admissible and the petitioner was sanquine that his case would be favourably viewed. But unfortunately for the petitioner, the Collector was -- pleased to pass orders D.Dis.No.4072/31, dated 20-10-1931 rejecting his warg claim. But in the same order, it was

directed, as was made known to him through the Tahsildar, that the plot ought to be transferred to Ayan and --- assigned to the petitioner on condition of his agreeing to pay assessment at Rs 1-8-0 per acre and site-value at Rs 100/- per acre. Petitioner, while wholly reluctant to waive his warg right, chose to abide by the order lest he should have recourse to civil litigation. -- Accordingly, the necessary steps were taken to transfer the plot to Ayan. But at this stage there appeared on the scene one Mr.Mahabala Hegde, a Vakil of the -- place, his antagonist to apply for reservation of a -- path-way through this plot to his land S.No.90/4B which he had lately purchased. He further offered to pay site-value at Rs400/- per acre provided the entire plot were assigned to him. This man who had not the least idea of the nature of the plot nor even dreamt of a -- path-way through the plot in question before was induced by the hostile Shanbhogue to put in a petition which he did. The petitioner at the very outset brought to -- notice that the enquiry through the Shanbhogue would be prejudicial to the petitioner. The Shanbhogue and Mr. Mahabala H egde both realizing that the petitioner's warg claim would anyhow be upheld, the latter dared not come forward to lay claim to the so-called path or to the plot itself. It was only when in modification of the warg claim, a title of longstanding and unassailable nature of the plot in favour of the petitioner was -- recognized by the Collector saddled with the condition of payment of site-value, the Shanbhogue and Mr.Mahabala Hegde found a loophole in the conditional clause about levy of site-value and manoeuvred to work out a plan by which they could dispossess the petitioner of his land. The Collector in spite of his final order once passed,

thought fit to go back on it and to direct the -- petitioner to pay site-value at Rs400/- per acre and also to reserve a space for a path three feet wide all along the length of the plot. Petitioner was shocked to hear of the second order in revocation of the first -- one and represented to the Collector repeatedly of the genuineness of his claim and of the malicious and -- frivolous nature of Mr.Mahabala Hegde's petition. All the same, the petitioner was sacrificed on account of the higher bait of Rs400/- site-value.

3. Petitioner submits that the Collector's order is unjustifiable and also contrary to the rule governing the same.

4. The petitioner's lands S.No.90/3,7,8 form one single block with an ancient stone wall enclosing it. This block has been in the undisturbed possession and enjoyment of the petitioner from the time of his -- predecessors-in-title. The wall enclosing the land is over 70 or 80 years old, as will be apparent even from a cursory view of it.

5. The long and exclusive enjoyment by petitioner of plot S.No.90/8 in common with the other plots is supported by the documentary evidence produced by the petitioner at the original enquiry. In face of such sufficient proof of the uninterrupted long possession and enjoyment, the petitioner had no call or need to produce further evidence, either oral or documentary. Nevertheless, the Collector was pleased to meet his -- claim only halfway, by directing the assignment of the plot to him, by levy of site-value of Rs100/- per -- acre and fixing the rate of assessment at Rs 1-8-0 per

acre. Petitioner chose unwillingly to abide by that order in order to save himself further trouble and -- expense in litigation. Thus the order became final and the only formalities of the change of classification of the plot remained to be completed.

6. But in the course of change of --- classification from poramboke to Ayan, the aspect of the case itself changed. When the usual notification regarding the transfer of the land to poramboke happened to be issued, the Shanbhogue took the notice in person to Mr.Mahabala Hegde who was goaded to endorse his -- protest on the notice itself. Mr.Mahabala Hegde was further induced to lay his claim to the plot on the -- pretext of the necessity for a path for access to his newly acquired land S.No.90/4B. In fact, he was further made to offer for the plot Rs400/- per acre as site-value being apprehensive that his mere claim to a path would not stand. In fact there is no pathway for him through the plot, nor can he dream of having one. The plot in question is protected by an old strong wall existing -- between his land and the plot in question. Nor is there any outlet or gap in the wall to show passage across the plot into his land. Nor can he have any need for such pathway since he has access to the main road on the other side of the road existing there. His land has direct communication with the main road by means of a broad,long straight, direct and cartworthy passage along his land, to serve his purpose.

7. Because the Collector has not cared to revise the second order in spite of petitioner's humble representations, the petitioner has to insist on his -- genuine warg claim. The mere incidence of the plot --

being registered as poramboke would not alter the real character of it. The classification of it arose out of the fact that it was mostly studded with rocky portion and it was so classified in the interest of the holder of the land to save him from payment of assessment for a land rendered unproductive, and not because it was -- apart from the patta land. It was so done without the knowledge of the pattadar. Otherwise, the pattadar would not have grudged payment of assessment for a small bit of the warg land. Such instances are everywhere noticeable. The rocks in the midst of warg land were similarly treated, but it cannot be presumed that thereb the warg claim would be vitiated. It is open to the -- pattadar to claim such portion whenever the pattadar -- desires it on being apprised of the fact of such classification having been made at settlement. In the presen case, the plot is not only part of the block of the warg land but also is protected by an old stone wall. Ther was no reason for the then pattadar to allow such compon part of the wargland to go to porambobe for the sake of a petty saving in the shape of assessment. Petitioner cannot afford to lose it under any circumstances, nor to permit the use of any portion of it for path to -- anybody within his land completely walled in. The mere circumstance that the land is situated within the limits of the town now would not affect the warg right of the petitioner. Petitioner is prepared to adduce further evidence to bear him out, in case the Honourable Board were to consider thatthe records so far produced on his behalf are inadequate to justify his warg claim.

9. Petitioner prays therefore that on a gracious consideration of the above circumstances and submissions and on calling for the connected records and

if necessary on demanding further evidence from him, the Honourable Board may be pleased to set aside the order of the Collector and admit his warg right and order the inclusion of the plot in his Khata.

For which act of justice, he shall be grateful.

Veerunjappa Adyanthaya
Petitioner.

Enclosures:

1. Certified copy of the Collector's order L.Dis.C No. 8179 dated 7- 1- 1932.
2. --do-- --do-- D.Dis. 4072 dated 20-10-1931.
3. --do-- --do-- L.Dis.3335 dated 14- 5-1932.

15

L.Dis. C.No. 8179-32.

Proceedings of the Collector of South Kanara, dated 7th September 1932.

Khan Bahadur J.Hussain, Bar-at-Law.

Assignment - Land - Karkal Taluk - Karkal village (within town limits) - S.No. 90/8 - warg claim -petition of 1. Manjappa Mayanthaya -orders passed.

Ref:- Petition dated 3-9-32 from 1. Manjappa Mayanthay of Nitte village, now residing at Karkal Kasba, Karkal Taluk.

The order is not liable to be reviewed by the Collector.

Sd/- J.Hussain,

Collector.

True copy(By order)

Huzur Sheristadar.

To the petitioner.

9.9.32

GOVERNMENT OF MADRAS
COPY STAMP
THREE ANNAS

L Dis. C. No. 3335/32

Proceedings of the Collector of South Kanara, Mangalore

Dated 14th May 1932

Present: Khan Bahadur M. Hussain Sahib

Assignment land Kasaragod Taluk

Petition No. 4018 of Ahmad Ibrahim

The petition is framed

The petitioner dated 2.3.32 from Kasaragod

Adhyarthaya praying that

Taluk

Order

It is with deep regret & inability to inform

the petition already framed

(Sd.) M. Hussain

Collector

No 8226 Re G. S. Rao Board proc 30.1.32

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A. krishnaiya.
Treasury / Sub-

2 FEB 1932

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Vl. Rd. M. G. Pai
A. P. Segueira

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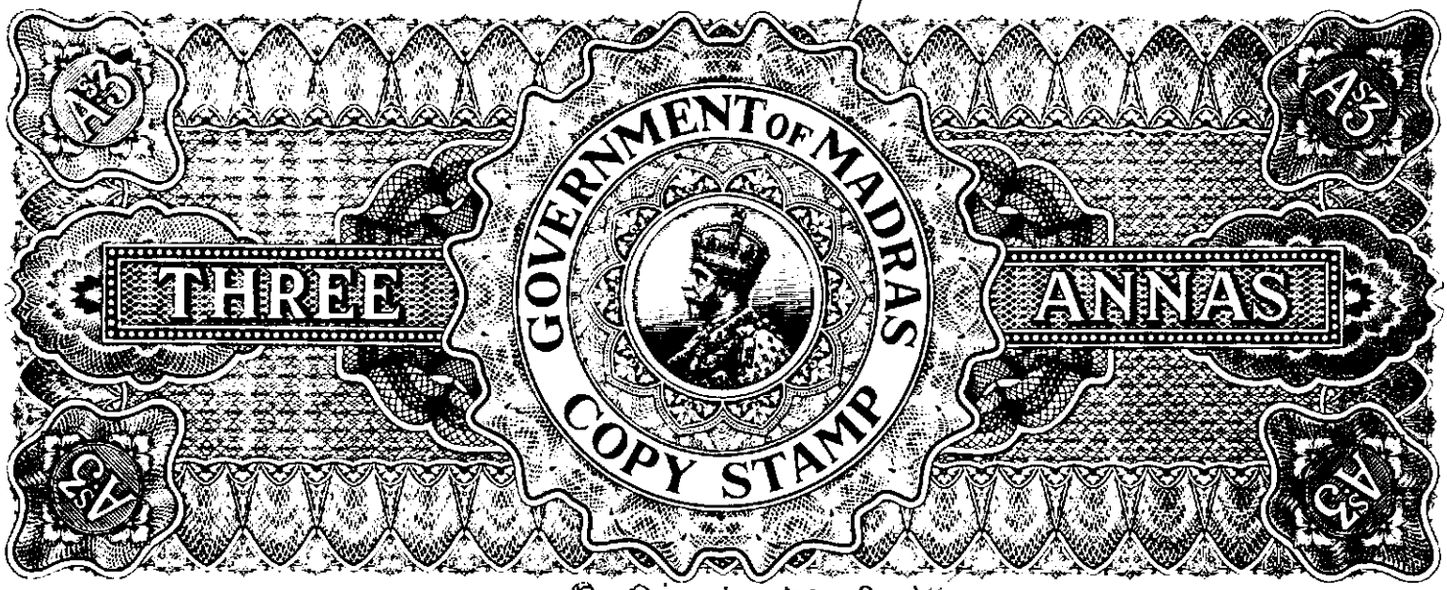
Deputy Collector



D. Dis. 4072-31

Proceedings of the Collector of South Kanara, Mangalore

Dated 20th October 1931

Present: Khan Bahadur J. Hussain Bavat Sahib

Assignment -- Land - Karkal Taluk - Karkal Village (within town limits) - S.No. 90/8 Wara

Claim -- petition of Mr. Anjappa Adyanthaya

Orders passed --

---

1) Petition dated 20-6-1931 of Mr. Anjappa Adyanthaya nephew of Bermu Adyanthaya, Nitte Village, Karkal Taluk --

2) Karkal Tahsildar's N. Dis. 5147-31 dated 1-9-1931 and N. Dis 11281-31 dated 19-9-1931 --

---

The Warg claim rejected.

x x x x x x x x

The petitioner is referred to the Tahsildar of Karkal for orders --

(Sd) R. Subramaniya Ayya

20-10-31

For Collector

No 8226. vlg S Rao. Coondapoor 8.1.32

Release.
a. krishnaiya

2270
3.8.32
vl mr. M. G. Pai
A.P. Sequeira

2 - FEB 1932

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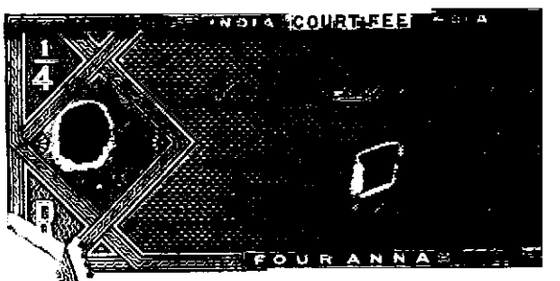
Deputy Collector



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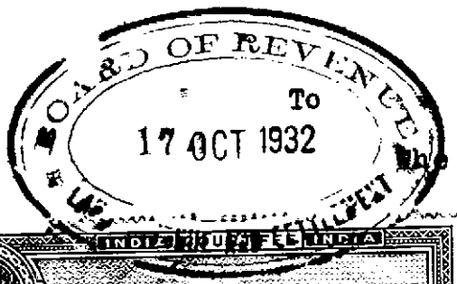
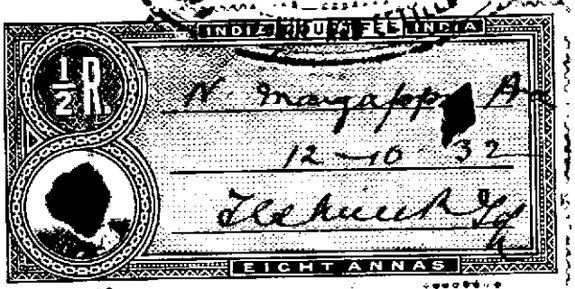


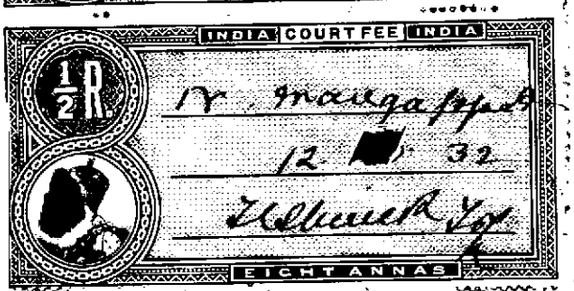
D. 5814

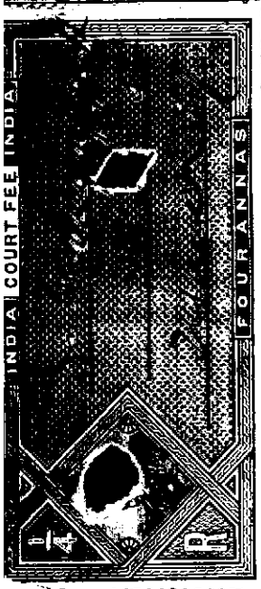
The Commissioner of Land Revenue,

Board of Revenue,

Chepauk, MADRAS.







Humble petition of N. Manjappa Adyanthaya, nephew of Mermu Adyanthaya, Nitte, Village, Karkal Taluk.

Dated: 11th October 1932.

In reference to Board's Memo B.5330/32 dated 27-9-32, petitioner begs to enclose the Court Fee labels called for; and with regard to the authenticated copies of the orders of the Collector and the Tahsildar, referred to therein, he has forthwith applied for the same and will submit the same on receipt thereof; for which he may be granted extension of time for about a month.

2. In connection with his petition dated the 13th September 1932, petitioner begs to enclose herein (1) the mulgeni chit of 1886, appertaining to the warg land comprising S. Nos. 90/3,7, and 8 of Karkal Village, and (2) a sketch of the locality, showing the position of the lands concerned.

3. The mulgeni chit referred to embraces the lands S. Nos. 90/3,7 and 8 with its boundaries, which constitute the warg land of the petitioner.

4. The lands covered by the mulgeni chit, viz: 90/3,7 and 8 are clearly defined by the boundaries which are still in existence, as can be made out by the sketch attached.

5. The northern boundary of the lands mentioned in the mulgeni chit is given as "trench and stone wall" marked 'F'

in the enclosed sketch. This boundary line is thus separated substantially and permanently by unshakable landmarks, from S.No. 90/4B, with no outlet or any traces of it for access from one land to the other. This formidable old trench and stone wall is impossible to be scaled over from 90/4B to petitioner's land S. No. 90/8.

6. It is therefore clear that Mr. Mahabala Hegde's contention to allow him a path-way through his field S.No. 90/4B to petitioner's S.No. 90/8 to serve as a short cut for him to go to Court, is frivolous. In the first place, his plot S.No. 90/4B is a recently purchased one which has neither a house nor a suitable space for residential purposes. The plot is a field mostly cultivated with paddy crop. In the second place, he has never had any intention of building a house for his use, since he came into possession of it in 1930 concentrating his attention to expand paddy cultivation therein. Thirdly, he has a cart-road marked E in the sketch, which joins the main road on the other side, which serves all his purposes, as hitherto, in the matter of access to and from his plot. Fourthly, neither he nor his predecessor-in-title ever dreamt of claiming a path-way through S.No. 90/8. Fifthly, the proposed path through S.No. 90/8 would serve no-body any good, which accounts for the fact that none else in the neighbourhood ever felt the necessity of a path-way there. Sixthly, the path-way claimed by Mr. Mahabala Hegde, is said to be required for his going to Court, i.e., for his individual use, at the expense of its owner or of the Government. It is only to minimize the distance to reach the Court and to nowhere else, and thus effect a saving of a minute or two by adopting this contemplated route. This

equity. Seventhly, none else in the vicinity could have recourse to such path; because to reach it, there are private lands which stand as a barrier

and lastly, the Government are not expected to set apa any land as a road to any private person when it can b disposed of otherwise.

7. As explained in para 5 supra, the petitioner warg claim remains undisputed. The plot 90/8 forms one compact block with his other plots 90/3 and and in the exclusive enjoyment and possession of the petitioner from the time of his predecessors-in-title. This private enjoyment has never been brought into question. The mere accident that 90/8 was classified as poramboke at settlement, would not affect the exclu sive enjoyment of the petitioner nor alter its origina nature of the warg. It happened to be so classified because it is studded with granite stones. Such class fication was not known either to the petitioner or to his predecessors-in-title.

8. Petitioner submits that when the plot 90/8 was known as being classified as poramboke, the petitioner explained the history of the land and claimed it as part of his warg land and the Tahsildar on inspection of the locality and after thorough investigation and after going through the documentary evidence, found th claim of the petitioner as a genuine one. The Collec however fixed the land-value at Rs. 100/- per acre; and the petitioner, though unwilling to waive his warg right, though it advisable to abide by his order, just to avoid the difficulties of litigation. But wher Mr. Mahabala Hegde asked for a pathway through the plo and further represented to the Collector that he was prepared to pay site value at Rs. 400/- per acre, the Collector was pleased to change his opinion and to fix the site value at Rs. 400/- per acre, suggesting at the

same time that a space 3 feet wide should be set apart for a pathway through the plot. Petitioner being aggrieved by the Collector's order thus passed, was compelled to approach the Honourable Board for redress.

9. From the records of enquiry and on perusal of the documents herewith submitted, the Honourable Board will be pleased to admit his wang claim and save him from further trouble.

For which act of justice, he shall be grate-

ful

Wlumappa Adyanthaiya

Subject. 31

R. F. XXII-A-19—30,004—2-2-31.(6)

FOR MEMBER.

MS (HI

Assignment Land (South Kanara

Kankal Tk & Vge - SN. 90/8 -

Petition Manjappa Adyanthaya

READ AGAIN B. P. No. _____ ,dated _____ 193

" " " _____ , " _____ 193

READ ALSO :--

Register No._____. From the _____, No._____ , dated_____ 193

" " _____, " " pp. 19-22 cf. B. 5814/32 _____, _____, " _____ 193

" " _____, " " _____, " _____, " _____ 193 .

RESOLUTION. Refa No. B. 5330/32-1 dated 20-X-1932

The petitioner is granted extension of time till 20. 11. 32 for the production of the copies of orders called for in the Boards Mr. N. B. 5330/32 of 27. 9. 32 If they are not produced by that time, the petition will be rejected.

p. 1 cf

2.11.32

DESPATCHED 21 OCT 1932

To the petitioner

Sri R. Rg. N. Manjappa Adyanthaya

Nephew of Hemma Adyanthaya

Nitte Vge. Kankal Tk,

S. K. Dt.

38

B 6096.
cfl

To

The Secretary to the Board of
Revenue.
Land Rev: & Settlement
Chepauk
Madras.

Humble petition of Manjappa
Adyantheya, nephew of Bomma
Adyantheya, Nille village, Karkal Tq

Dated 21.10.32.

(1)

Respectfully sheweth

That in reference to Board's memo B 5330/3 dated 27.9.32, petitioner begs to submit herewith the certified copies of the orders referred to therein, duly stamped.

The Court fee labels called for therein have also been submitted.

Manjappa Adyantheya

X. L. DCs

35

K. Ghulam Mahammad Sahib Bad
D.A.

Tahsildar, Karkal.

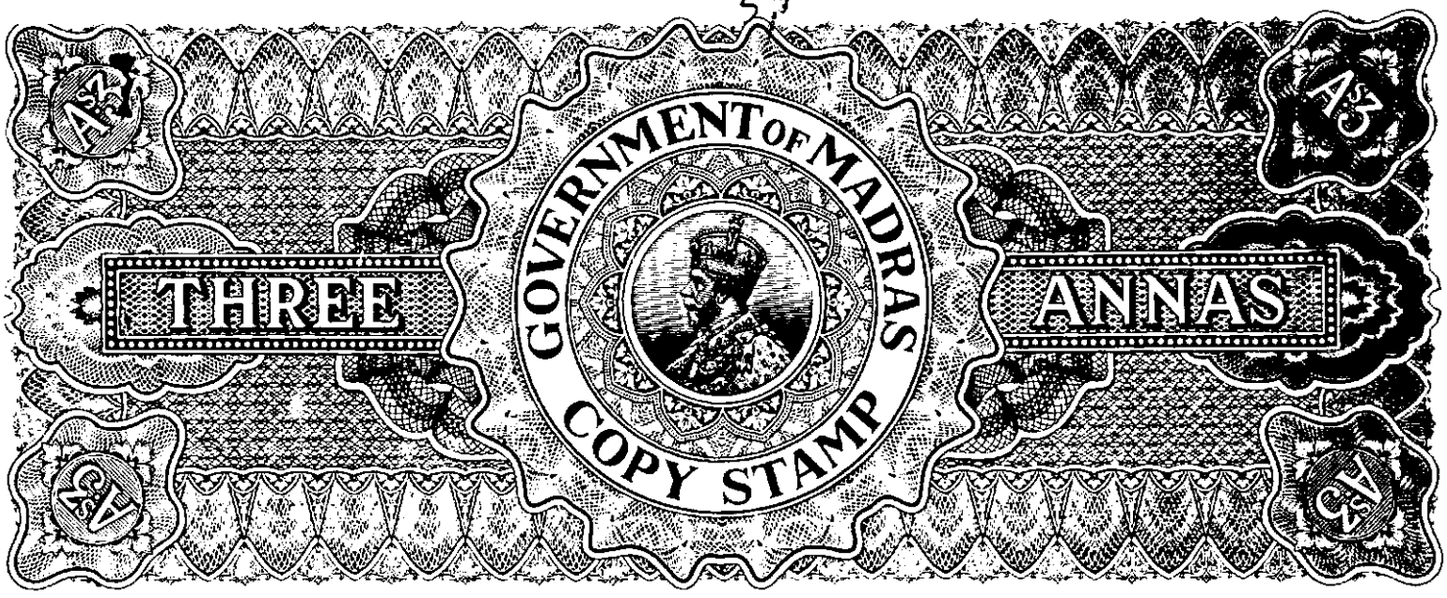
Endorsement on the petition dat
11. X. 1932 from N. Maniappa Addyantha
Nephew of Bermu Addyanthaya, Nitte Vill
Karkal. applying for a copy of order -
said to have been communicated to him
in accordance with collector's D. Dis
4072. 31 of 20. X. 31

The applicant is informed that
proceedings have been starts to
[illegible] of the plot under S

para 22 class (e) as directed by the Collector and that C, notice has been issued to the applicant for payment of site value fixed by the Collector.

Taluk Office, Karkal
16. X. 1952

For Tahsildar.



D. Dis. 1342-32.

Proceedings of the Collector of South Kanara, Mangalore

Dated 17th February 1932.

Present: Khan Bahadur J. Hussain Bar.-at-Law

Assignment - Land - Karkal Taluk - Karkal Town - Rock Poramboke - S. No. 90/8 - Transfer to ayan - Sanctioned.

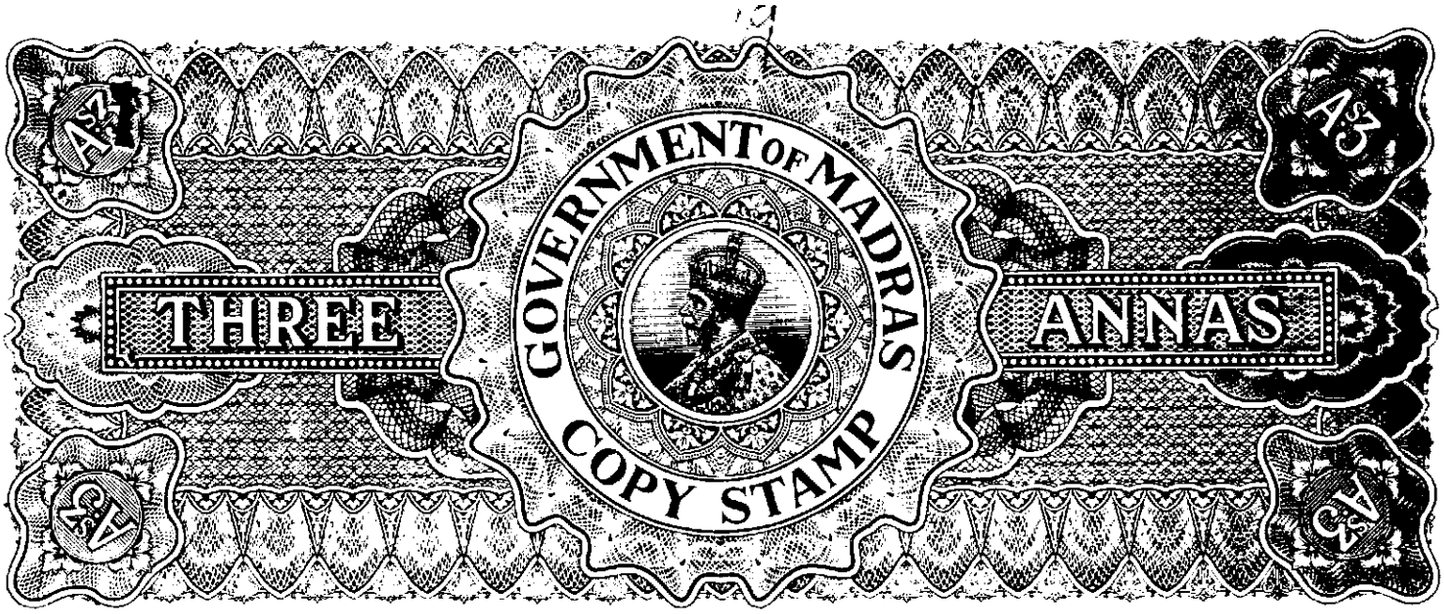
Ref (1) This office D. Dis. No. 7.2/31 dated 20-10-31.

(2) Karkal Tahsildar's Ref. C. No. 13090-31-B, dated 21-12-31, received with Coondapur Sub-Collector's L. Dis. 65-32 dated 23-1-32.

S. No. 90/8 of Karkal Town is transferred from 'Rock Poramboke' to ayan at the highest dry rate of Rs. 1-8-0 per acre, subject to the condition that the ~~enhancement~~ rate will be imposed if the plot is used for building purposes.

The Collector on personal inspection sanctions the private sale of the land to Abs. Abdunjaffa Adyanthaya at Rs. 400 per acre, as the site Value of Rs. 100 levied in this office D. Dis. No. 7.2-31 dated

№ 5219
23/8/32



20-10-31 is found to be too low. A foot path 3 feet wide passing through the plot on its western side to the lands on the north of it should be reserved.

3 The Tahsildar, Kanthal will dispose of the plot accordingly under B.S.O 15, para 2.21, clause (e) as revised by B.P. No. 44 Revs (2) dated 8.5.31

(Sd) J. Hussain

17-2-32

Collector of S. Kanara

75

866 " 7-10-32 (True copy on two sheets only

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15-10-32

Deputy Collector

Total words = 233

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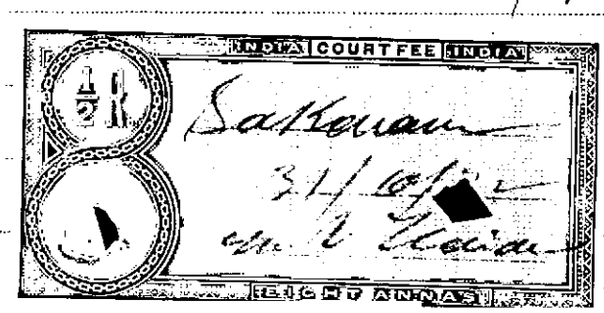
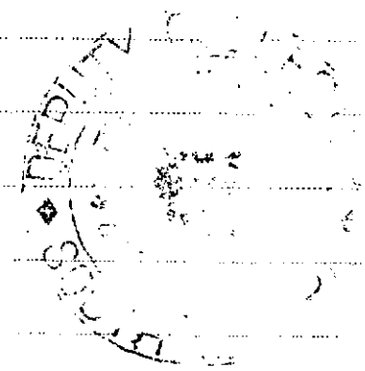
15/10/32





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B 6493
20.9.32

Excellent Book
Sir Khwaja
Lahore

41

Assignment, ~~Encroachment~~ Land (South Kanara)

Kanhal taluk & village

S.No. 90/B – petition - Manjappa Adyanthaya.

PP 1-11 ef Read - B. No. 5930 ~~1931~~ 1932 (C)
PP 1922 ef B 5814/32

Reference No. B. 5930.32-2 dated 14- xi - 32

Forwarded to the Collector of South Kanara for submission of the records with remarks on ~~any~~ the necessity and justification of ~~allegations in the petition which are~~ providing a three feet path ~~to~~ (apparently as prayed for) in S.N: 90-4-B ~~not clearly dealt with in the records. apparently as prayed for~~.

14.11.32

13.11.32

11/11

To the Collector of South Kanara R 15.12.32.

with petition and enclosures ~~a sketch~~ (T)
(to be returned with reply).

pp. 1-30 & 35-40 ef

DESP... 16 DEC 1932

15/12

47

RP68

B6838

D. Dis. 10477-32.

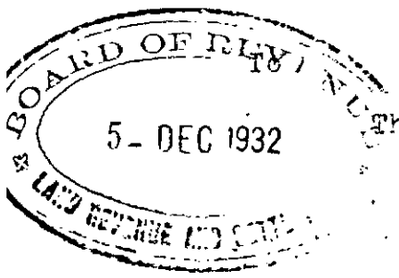
South Kanara Collector's Office,

Camp: Coondapur, dated 29th Novr. 1932.

From

E. M. Gawne, Esq, I.C.S.,

Collector of South Kanara



To

The Secretary to the Board,

Land Revenue & Settlement

Madras.

Sir,

Assignment--Land--Karkal Taluk--Karkal Town--S. No. 90/8 --Petition of Manjappa Adyanthaya.

Ref: Board's Ref. B--5030-32, dated 14th November 1932

P3 p41 cf

P17 cf - (X)

PP 3-6 cf (E)

PP 9-10 cf (E)

In his order D. Dis. No. 4072--31 dated 20th October 1931 Mr. Hussain sanctioned the assignment of the plot S.No. 90/8, cents 40, to the petitioner on payment of site value at Rs.100/- an acre. Subsequently a Vakil Mr. Manabala Hegde, the owner of S. No. 90/4B, offered Rs.200/- for the plot and Mr. Hussain ordered in his Proceedings D.Dis. 1342--32 dated 17th February 1932 after inspection that the petitioner shoul pay site value at Rs.400/- an acre and that a foot-path 3 fee wide should be reserved.

P41 cf

2. In connection with the Board's reference, I inspect the plot and I am surprised that the value has been put at Rs.400/- an acre. The land contains two large projecting rocks and I do not think that it can be used for building a house as stated by the Tahsildar and the Sub Collector. The rock could be quarried of course but only at great cost. The flattened rock has been wrongly shown in the big eye-sketch produced by the petitioner as lying to the east of the wall. It is as marked by me at A and A. I think it must be conceded that, as the petitioner says, the land was left out of h warg as being worthless. Except, perhaps for the reason that the plot in question, viz S. No. 90/8 has always been en-

PP 15-16 cf (X) + P7 cf (T)

(T)

closed along with the petitioner's lands, S.Nos. 90/3 and 90/7 and forms a compact block and so has always been regarded by the petitioner as his own, it seems difficult to understand why he should be keen on it now. Except for huts shown in the west corner of the land the rest lies waste.

owever, there can be no doubt that the rock has bee always counted in the land because the wall on the north side i very strong and solid and runs right up to the boundary of S.No 89/2 and 89/7, which has a very high wall on the west as well a on the other sides. There is no entry to the land S. No.90/4B from this land,at present, except by climbing the wall, and as petitioner says the approach for this land must be from the north along the path E. This path is a carttrack for half the distance and is then closed with a fence at x and only footpath to a house at z is left. When Mr. Hegde bought S.No. 90/4B, he can only have contemplated an approach from the north because of the strong wall whic closes the south of the land. The fact that 90/8 was a poramboke wa not known then. The petitioner's wall has been allowed to fall down on the south side, by the road, and is only strong really in front of sub division 90/8. There is nothing on the ground to separate 90/8 from his other land.

4. The demand of his opponent Mr. Hegde for a cart-track 7 yards wide, i.e. taking up 1/3rd of the total extent of the land shows to what lengths he would go. Mr. Hegde's field No. 90/4B, is only a hay-field at present with a pit dug in the middle for a well. No one has ever required to make a pathway from it through No. 90/8 till now because it would lead nowhere except to the Munsiff's Court or the Travellers' Bungalow. If Mr. Hegde does build a house in 90/4B, it would certainly be convenient for him to have a short cut to the Court but to make a carriage way over the rock would be very expensive. Karkal Town lies to the west of the land.

18 5. I think that the proper order was Mr. Hussain's firs order, valuing the land at Rs.100/- an acre. It is worth y to him as he can add to his land the part without rock. itself the land has no sufficent frontage for any buil

6. The petition under reference together with the sketch and the records noted in the margin are enclosed.

1. D. Dis. 4072--31, dated 20.10.31.
2. D. Dis. 1342--32 dated 17.2.32.
3. L. Dis. 3335-32, dated 14.5.32.
4. L. Dis. 8179-32, dated 7.9.32.

Your obedient servant,

Collector.

M. P. XXII-A-19—38,004—15-8-32 (6)

FOR MEMBER.

Subject. Assignment - Land (South Kanara)

Kanthal Jt & Ufe - SN: 90/8 -

Petition - Anangappa Adyanthaya.

- Orders passed.

READ AGAIN B. P. No. _____, dated _____ 193 .

" " " _____, " _____ 193 .

READ ALSO :— pp. 1-11 of B. 5830/32

Register No. _____, From the pp 19-22 of B. 5814/32, dated _____ 193

" " _____, " " p. 33 of B. 6096/32, " _____ 193

" " _____, " " p. 41 of Board's Ltr. dt 19.11.32 } L to Collr only

" " _____, " " p. 43 of B. 6838/32, " _____ 193

RESOLUTION. (M G) No. 3777 dated 21.12.193 4

The Board examine the records and agrees with the Collector in concluding that a proper order in the matter would be the one passed by the Collector in his Lr. No. 4072-31 dt 20.10.31 assigning SN: 90/8 to the petitioner on payment of the value at Rs 100/- per acre with reservation of any path leading to SN: 90-4-B.

pp. 17-18 of (X)

The Board accordingly restores the Collector's

18/2

order D. Dis. No 40/2.31 — pp. 17-18 ef.
By 20.10.31 and cancels the this of (X)
later order D. Dis.
1342-32 By 17.2.32 pp. 9-10 ef.
(E)

2. The petitioner is referred to the Collector for order on his petition to the Board.

[illegible]
0/12/32

[illegible]
20/12.

[illegible]
12/12/32.

To the Collector of South Kanara with [illegible] file ret'd. List at p. 4 the corr

petitioner (para. 2 with documents ret'd (pp. 23

2. R. Rly N. Ramanjappa Adyanthaya, Nephew of Hanumanthaya Adyanthaya, Nitte Ufr. Ka South Kanara Dt

Note

Assignment. Land (Conversion
- Kharkal SN & Use - SN: 90/8.
Warg claim Petition - Manjappa
AD yanthaya

PP 1-11 cf B. 5330/32

PP 19-22 cf B 5814/32

To AS (HR)

The petition at pp 1-11 cf is an appeal against the Collectors order at p. 13 cf and is in time

2. SN: 90/8 of Kharkal Use is classed as 'Risek Poramboke' was transferred to assessed waste and ordered to be assigned to the petitioner under S.O. 15-22 (3) subject to the payment of land value at Rs 400/- per acre after setting apart a three feet strip for the use of one Mahabala Hegde as a path way to his lands on the north. The petitioners contentions are (i) that SN: 90/8 forms part of his warg lands and has been in the exclusive enjoyment of him and his predecessors in title for the last 80 years and (ii) that the reservation of a 3 feet strip for the use of Mahabala Hegde is unwarra

land he files a statement of objections dated 8.8.6 and refers to the existence of a continuous stone wall enclosing S.N. 90/8 with his wet land S.N. 90/3 of 7 - also alleges that the Dy. Collr. on local inspection and enquiry found his claim genuine, that he accepted the offer in order to avoid unnecessary litigation but the Collector first proposed to assign the whole plot subject to payment of land value at Rs 1000/- per acre and that subsequently, the Collector at the instance of Mahabala Hegde raised the land value to Rs 4000/- per acre and a three feet land was reserved for this use to which other grounds his contention re: the provision of a path to Mahabala Hegde he petition alleges that there is no pathway through S.N. 90/8 to N lands on the north, that S.N. 90/8 is completely cut off from N. Hegde's lands by a strong wall and a trench that the path is not intended to serve any communal purposes and that there is no necessity to provide him with a path way at the cost of Govt. when there is already a public road leading to

para. 2 at p. 1 of

para. 4 at p. 5 of

para at p. 7 of

at pp. 2

vide sketch

p. 4 of

p. 37 of

bound to set apart ~~[illegible]~~ land

~~[illegible]~~ as an additional path to this land. These facts seem to require a further investigation. The records may be called and examined, before final orders are passed on the petitions.

The CRW's order dt 13-2-32 dt 17.2.32 is the one appealed against. The orders in pp 13 & 15 of were passed on the appellant's further petns to reconsider the order dt 17.2.32. Strictly speaking the appeal time will have to ~~[illegible]~~ be calculated from the CRW's order dt 17.2.32. If so, the appeal is long out of time. But the petnr has been persistently putting petns to the CRW for reversing his order dt 17.2.32 & got the last one on 7.9.32. If his further petns are taken into account, the appeal is in time.

As regards the merits of the appeal, the petnr's warg claim is not tenable. The CRW seems to have considered the claim put forth by the petnr & rejected it vide his order at p 17 of. Further a perusal of the digloth shows that S No 90/8 has not been a warg land even prior to the Settlem

is alleged by the petnr : please see Column 3 in the digest register of price the field in question ; no old warg or Kudithala number is noted which show that it was not a part of any wargdr

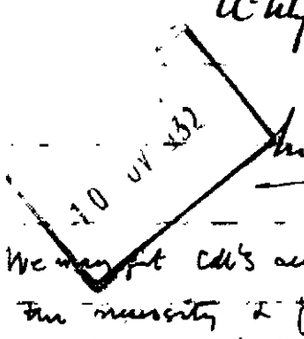
As regards the raising of the land value from Rs 100 to Rs 400 per acre, the Collr has done it after personal inspection. He found that the value originally fixed was too low. The petnr could not question the Collr's action in this respect ... The only thing that can be said in favour of the petnr is his objection to the allowing of a path in the field. Any path on the west side of the field will only serve S No 90/4B & not other fields, unless a foot path is allowed to run through S No 90/4B. If the plan submitted by the petnr is to be believed, there is a cart track running to the north of S No 90/4B. It seems to be no necessity for reserving a foot path in S No 90/B. Excepting this point, the petnr seems to have no case. For orders.

Tdr
7/11/32

p 37 of (para 2)

This office has been adhering strictly to the rule that appeal time counts from the date of the order of the original authority – unless, of course, indicates of some injustice cause thereby to waive the limit as a special case. Hee may dismiss this as time-barred: Collr passed orders after pers. inspectn

A-Hf 8.11.32



We may get Collr's remarks on the necessity & justification of providing a 3' path to 90/4B. – affirmatively as foremarked. OK Ellis

To AS (HR)

Draft submitted

11.11.32

11/11

Board Refer N: B 5030-32-2 & 14-11-32 pp 4-1 of

Collector's reply & 29-11-32 pp 4-3-4-5 of

To AS (HR):

Please see the Collector's report at pp 4-3-4-5 of in reply to the Board Refer & at p 4-1 of. While submitting his report the Collector inspected the locality and made a thorough investigation in the matter. As a result of his investigation the Collector (S.M. Chavan) concludes (i) that S.No 90/1 should have once formed part of the petitioners wang as contended by them (ii) that the provision of a path in S.No 90/8 to S.No 90-4/B belonging to the petitioners appears to have been made in order to avoid the

Ch. S
AS/HR

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cut off S.N. 90-8 from the petitioners land S.N. 90/3 & 90/7 and will impair the compactness. Main S.N. 90/4-B para-4 at P.44 is now a bay field and is accessible from the main road on the north Sketch at (T)

Submitted for orders whether view of the above facts Collectors (Mr. Ganesh) exclusion in the matter may acceptive by cancelling predecessors (Mr Hussain) pp.9-10 cf.(E) and order dt 17-2-32 and giving his first order dt 20-10-31 pp 17 ref cf(X) 11.12.92

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19 DEC 32

Draft submitted

JOINT (HR)

Draft submitted

28/12/32

20/12